

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

OCT 08 2020
CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KJF, DEPUTY

Sean Paul Johnson,

(Enter the full name of the plaintiff.)

CIV 20 1026 1J

v.

Case No. _____

(Court Clerk will insert case number)

- (1) Lee Mallin,
- (2) Charlie Hanger,
- (3) Debra Mallin.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

V. Defendant's Continued

(4) John vasek

(5) Ray Malget

(6) May Perry

(7) Lance west

(8) Nobles County Detention center

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, regardless of how the court decides your case.

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

II. State whether you are a:

- Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): none

Defendant(s): none

b. Court and docket number: none

c. Approximate date of filing: none

d. Issues raised: none

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): none

f. Approximate date of disposition: none

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Sean Paul Johnson

Address: 721 cedar Street Perry, OK 73077

Inmate No.: OT-038

2. Defendant No. 1

Name and official position: Lee mallin, Jail administrator

Place of employment and/or residence: Noble County Detention

center 721 cedar St. Perry OK, 73077

How is this person sued? () official capacity, () individual capacity, () both

3. Defendant No. 2

Name and official position: Debra mallin, Detention officer

Place of employment and/or residence: Noble county Detention

center 721 cedar St. Perry OK, 73077

How is this person sued? () official capacity, () individual capacity, () both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

4. Defendant No. 3

Name and official position: John vasek, Lt,
Detention officer

Place of employment and/or residence: Noble
County Detention ^{center}, 721 cedar St. Perry OK 73077

How is this person sued? Official capacity
 Individual capacity, both

5. Defendant No 4

Name and official position: Ray malget Lt.
Detention officer

Place of employment and/or residence: Noble county
Detention center 721 cedar st. Perry OK 73077

How is this person sued? Official capacity Individual capacity
 both

6. Defendant No. 5

Name and official position: Charlie Hanger Sheriff
of Noble County

Place of employment and/or residence: Noble County
Detention center, 721 cedar St. Perry OK 73077

How is this person sued? official capacity, individual capacity, both

7. Defendant No. 6

Name and official position: May Perry, County Commissioner
District 2

Place of employment and/or residence: Noble County
Courthouse, 300 courthouse Drive Perry, OK 73077

How is this person sued? official capacity, individual capacity, both

8. Defendant No. 7

Name and official position: Lance West
Commissioner District 3

Place of employment and/or residence: Noble County
Court House, 300 Court House Drive Perry, OK 73077

How is this person sued? official capacity, individual capacity,
 both

9. Defendant No. 8

Name _____ official position: Noble County Sheriff
Commissioner District 3

Place of employment and/or residence: 701 Cedar Street
Perry, OK 73077 300 Court House Drive Perry, OK 73077

How is this person sued? official capacity, individual capacity,
 both

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*
- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

- (1) List the right that you believe was violated:

The Eighth Amendment Cruel and Unusual Punishment

8.2.1.3.2

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Lee mallin, John Vasek, Debra mallin, Ray malget,
Charlie hanger, May Perry, Lance west,

- (3) List the supporting facts:

I was made to sit covered in my own feces for at least 10 days with no shower also out of the 10 days 4-6 day's I had to eat with feces on my hands with no spoon. While covered in feces. (See continued document Claims(3))

- (4) Relief requested: (State briefly exactly what you want the court to do for you.)

I'm asking for 1 million in compensation and 1 million in punitive. For the injuries of depression, mental stress, emotional stress, public humiliation, anxiety, panic attacks, and burns on my hands and half to go to a program for abused children.

2. Claim II:

- (1) List the right that you believe was violated:

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Claim 1: Part(3) continued

Sidonate
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I was video recorded on personal cell phones by three parties Jail administrator Lee Mallin, Detention officer from cash in Debra Mallin, and an unknown balliff. All of this stress that I just listed is on video in (Isolation cell 2).
Lee mallin, John vasek, Debra mallin, Ray maljet, artwas, Charlie hanger. All of the above individual's above violated my Eighth Amendment rights (cruel and unusual punishment) 8.2.1.3.2

On May 1st 2019 I was placed in Iso 2 on Saturday May 3rd or 4th was covered in feces Jail administrator

Lee mallin violated my 8 Amendment right cruel and unusual punishment^{8.2.1.3.2} by leaving me covered in feces

From May 3rd or 4th 2019 to I believe May 13th with

no shower or help I was also made to eat hot and cold food such as oatmeal, stew, peas, chicken noodle, mashed potatoes,

biscuits and gravy, meat and pasta, apple sauce, cereal, goulash, beans, chili.

From I believe May 8th 2019 to June 17th 2019 with

my hands. I had burns on my hands from the hot food

but was never taken to the doctor. I feel like I was tortured

I'm suffering from panic attacks and night terrors I still

feel great fear from what happened I'm depressed

from the ordeal I have to take psych med's just to

function now what happened to me doesn't even happen

to animals. I do not want this to happen to anyone else.

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I'm suffering

from emotional

stress, mental,

stress, and

was publicly

humiliate

On May 1st 2019 I was placed in Isolation cell 2
Saturday May 3rd or 4th 2019 I was covered in feces Detention
Officer John Vaser violated my 8th amendment right
8.2.1.3.2 (Cruel and Unusual Punishments by leaving me
Covered in feces From May 3rd or 4th 2019 to May 13th
2019 with no shower or help I was also made to
eat hot and cold food such as, oatmeal, stew, peas, chicken
and noodle, mashed potatoes, biscuits and gravy, meat and pasta
apple sauce, cereal, goulash, beans, chili. From I believe
May 8th 2019 to June 17th 2019 with my hands. I
had burns on my hands from the hot food but was
never taken to the doctor. I feel like I was
tortured I'm suffering from Panic attacks and night
terrors I still feel great fear from what happened.
I'm depressed from the ordeal I have to take
psych meds just to function now. What happened
to me doesn't even happen to animals. I don't
want this to happen to anyone else.

On May 1st, 2019 I was placed in Isolation
cell 2 Saturday A May 3rd or 4th I was covered in feces
Detention Office Debra Mallin violated my 8th
amendment right 8.2.1.3.2 (Cruel and unusual)
Punishments by leaving me covered in feces and
also bringing unknown others to the Iso 2

I'm suffering
from emotional
stress, mental
stress, and
was publicly
humiliated.

Cell 11's window and mocking me and Rec'd
on her personal Cell phone From May 3rd or 4th
2019 to May 13th 2019 with no shower or help I
was also made to eat hot and cold food Such as
oatmeal, Stew, peas, chicken noodle, mashed potatoes,
biscuits and gravy, meat and pasta, apple sauce, cereal,
goulash, beans, chili. Detention Office Debra Mallin
also at meal time would say "If you act like an
animal the we will treat you like one". I also ate
the food with my hand's as made to. From I believe
May 8th 2019 to June 11th 2019. I had burns on
my hands from the hot food but was never taken to the
doctor. I feel like I was tortured I'm suffering from
panic attacks and night terrors I still feel great
fear from what happened. I'm depressed from the
ordeal. I have to take psych med just to function
now. What happened to me doesn't even happen to
animals. I don't want this to happen to
anyone else.

I'm suffering
from mental
stress, emotional
stress, and
I was publicly
humiliated.

On May 1st 2019 placed in Isolation Cell 2 on
Saturday May 3rd or 4th I was covered in feces Detention
officer Ras malget Violated my 8th amendment
rights 8.2.1.3.2 Cruel and unusual Punishments by
leaving me covered in feces from May 3rd off 4th 2019 to
Continued on back ✓

to May 13th 2019 with no shower or help I was also made to eat hot and cold food's Suchas, Oatmeal, stew, Peas, chicken noodle, mashed potatoes, biscuits and gravy, meat and pasta, apple sauce, cereal, goulash, beans, chili. From I believe May 8th 2019 to June 17th 2019 with my hands. I had burns on my hands from the hot food but was never taken to the doctor. I feel like I was tortured I'm suffering from panic attacks and night terror's. I still feel great fear from what happened. I'm depressed from the ordeal. I have to take psych meds just to function now. what happened to me doesn't even happen to animals. I don't want this to happen to anyone else.

I'm suffering from emotional stress, mental stress, and public humiliation

On May 1st, 2019 I was placed in Isolation Room 2 Saturday May 3rd^{on 4th} I was covered in feces Sheriff of Noble County Charlie hanger Violated my 8th amendment right §.2.1.3.2 Cruel and unusual Punishments by leaving me covered in feces From May 3rd^{on 4th} to May 13th 2019 with no shower or help I was also made to eat hot and cold food's Suchas oatmeal, Stew, Peas, chicken noodle, Mashed potatoes, biscuits and gravy, meat and pasta, apple sauce, cereal, goulash, beans, chili. From I believe May 8th 2019 to June 17th 2019 with my hands. I had burns on my hands (This is Continued on the next page)

I'm suffering from emotional stress, mental stress, and public humiliation

from the hot food but was never taken to the doctor. I feel like I was taunted. I'm suffering from panic attacks and night terrors. I still feel great fear from what happened. I'm depressed from the ordeal. I have to take psych meds just to function now. What happened to me doesn't even happen to animals. I don't want this to happen to anyone else.

District 2 Commissioner May Petty violated my 8th amendment right cruel and unusual punishment §.2.1.3.2 by not properly having procedure in dealing with people being placed in Isolation, which resulted in me being left covered in feces and having to eat hot food with hands. Being treated less than human.

District 3 Commissioner Lance West violated my 8th amendment right cruel and unusual punishment §.2.1.3.2 by not having a procedure in which people are locked down, which resulted in me being left covered in feces and having to eat hot, cold food's with my hands. Being treated less than human.

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Sean Johnson 10-5-20

Jury or no jury trial.

Sean Joe

(3) List the supporting facts:

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.


Plaintiff's signature

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the _____ day of _____, 20 ____.


Plaintiff's signature

Date